

Appl. No. 10/676,959
Amdt. Dated August 8, 2006
Reply to Office action of May 8, 2006

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REMARKS/ARGUMENTS

Claims 1-10 are pending in the present application.

This Amendment is in response to the Office Action mailed May 18, 2006. In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. §103(a). Applicants have amended claim 1. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1-10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 1 to clarify the claim language. It is noted that the Specification describes the solid polymer melts into a polymer liquid to become molten polymer flux (Specification, paragraph [0038], line 4; paragraph [0041], line 4)

The Examiner further contends that the limitation "an approximately constant region" is indefinite, as there is no distinction set forth in the specification regarding values of time and temperature that this "approximately constant region" embodies (Office Action, page 2, paragraph number 2). Applicants respectfully disagree.

The general test for determining whether a claim meets the definiteness requirement is whether one skilled in the art would understand the bounds of the claim when read in light of the specification. Process Control Athletic Alternatives, Inc. v. Prince Manufacturing, Inc., 73 F.3d 1573, 1581. Claims must be read in light of the specification, of which they are a part. Markman, 52 F.3d 967 at 979.

Not every claim must be expressed in terms of specific numerical values; rather, the degree of precision with which the claims must be stated to meet the definiteness requirement "is a function of the nature of the subject matter." Miles Labs., 997 F.2d at 875. Thus, "the amount of detail required to be included in claims depends on the particular invention and prior art, and is not to be viewed in the abstract ...," but in conjunction with the specifications of the patent. Shatterproof Glass, 758 F.2d at 624. Accordingly, "that some claim language may not be precise ... does not automatically render a claim invalid. When a word of degree is used the district court

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must determine whether the patent's specification provides some standard for measuring that degree," such that a person of ordinary skill in the art would understand what is claimed. Seattle Box Co. v. Industrial Crating & Packing, Inc., 731 F.2d 818, 826 (Fed. Cir. 1984).

Here, the temperature profiles are shown in Figures 3A and 3B with the three regions clearly identified. The qualitative characteristics of these regions are well described. See, for example, Specification, paragraphs [0031], [0037] – [0041]. Examples of the polymers are also provided with typical values for melting points. See, for example, paragraph [0026]. One of ordinary skill in the art of packaging process would know what is meant by an approximately constant region in a temperature profile during reflowing. It is also noted that the approximately constant region forms solder joints. To clarify this aspect of the invention, claim 1 has been amended.

Therefore, Applicants respectfully request the rejection under 35 U.S.C. §112 be withdrawn.

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-10 insofar as definite (in view of the 35 U.S.C. §112, 2nd paragraph rejections) under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,988,485 issued to Master et al. ("Master") in view of U.S. Patent No. 6,675,309 issued to Parhar ("Parhar"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* §2143, p. 2100-129 (8th Ed., Rev. 2, May 2004). Applicants respectfully contend that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

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Master discloses a flux cleaning for flip chip technology using environmentally friendly solvents. Fluxes commonly contain three constituents: a solvent, a vehicle, and an activator (Master, col. 4, lines 8-11). A reflow process consists of a preheat step where the solvent is vaporized (Master, col. 4, lines 12-14).

Parhar discloses water soluble fluxes and methods of using the same. The water soluble fluxes comprise at least one wax carrier (Parhar, col. 1, lines 34-46). The wax carrier may be any fatty carboxylic acid or derivative thereof (Parhar, col. 1, lines 57-58).

Master and Parhar, taken alone or in any combination, do not disclose, suggest, or render obvious, at least one of (1) applying a flux on a substrate having solder bumps, the flux including at least a solvent and a water soluble monomer or a water soluble polymer; (2) placing a die on the substrate; (3) reflowing the die in a reflow device at a reflow temperature, the reflow temperature having a temperature profile including an increasing region, an approximately constant region, and a decreasing region, (4) the increasing region forming polymer liquid to become molten polymer flux, (5) the approximately constant region forming solder joints, and (6) the decreasing region solidifying the molten polymer flux to re-distribute stress caused by thermal mismatch between the die and the substrate.

Master merely discloses that the solder bumps are preheated to a temperature above the melting point of the solder (Master, col. 4, lines 28-31), not above the melting point of the polymer. Therefore, Master does not disclose or suggest forming polymer liquid to become molten polymer flux in the increasing region. Furthermore, Master discloses that the flux residue areas are formed during the reflow processes and cleaning is required to remove these flux residue areas (Master, col. 4, lines 44-49). Therefore, Master does not disclose or suggest the reflow temperature having the three regions where the increasing region forms polymer liquid to become molten polymer flux, and the decreasing region solidifies the molten polymer flux to re-distribute stress caused by thermal mismatch between the die and the substrate. To clarify this aspect of the invention, claim 1 has been amended.

Parhar merely discloses a wax carrier to be used in a water soluble flux. Parhar discloses that the water soluble fluxes are in the form of a paste (Parhar, col. 4, lines 36-37). Parhar's teaching aims at avoiding turning water soluble flux into liquid above 100°F (Parhar, col. 1, lines 24-31). Therefore, Parhar effectively teaches away from the invention.

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In the Office Action, the Examiner contends that Parhar does not teach away from the invention, because column 1, lines 24-31 of Parhar addresses "background art" temperature, not the inventive temperatures of Parhar (Office Action, page 6, lines 19-22). Applicants respectfully disagree. First, the Examiner does not use this "background art" information to reject the claims. Instead, the Examiner relies on Parhar's inventive features (Office Action, page 4, lines 15 -22; page 5, lines 1-4). Second, the "background art" temperature information does not provide the temperature profile including the three regions.

The Examiner contends that Master discloses a temperature profile inherently including a heating (increasing) temperature, a maintenance (nearly constant) temperature (at least for a brief period of time – e.g., milliseconds), and a cooling (decreasing) temperature (Office Action, page 3, lines 8-11). Applicant respectfully disagrees. Master merely discloses heating to a temperature above the melting point of the solder (Master, col. 4, lines 28-31), followed by a cleaning process to remove the flux residue areas (Master, col. 4, lines 58-59). A cleaning process is not part of the reflow. Furthermore, Master does not disclose an approximately constant temperature forming solder joints.

Furthermore, there is no motivation to combine Master and Parhar because neither of them addresses the problem of re-distribution of stress caused by thermal mismatch between the die and the substrate. There is no teaching or suggestion that a temperature profile having three regions is present. Master, read as a whole, does not suggest the desirability of forming molten polymer flux and solidifying the molten polymer flux. In addition, it is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). Since Parhar teaches away from the combination, combining Master and Parhar is improper. For the above reasons, the rejection under 35 U.S.C. §103(a) is improperly made.

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to: (A) The claimed invention must be considered as a whole; (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) Reasonable expectation of success is the standard with which obviousness is determined. Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143

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n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Furthermore, although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." In re Mills 916 F.2d at 682, 16 USPQ2d at 1432; In re Fitch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992).

In the present invention, the cited references do not expressly or implicitly suggest a temperature profile having three regions. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of Master and Parhar is an obvious application of solidifying the molten polymer flux to re-distribute stress caused by thermal mismatch between the die and the substrate.

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Therefore, Applicants believe that independent claim 1 and its respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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